

Corps likely will approve plan to alter flow of Missouri

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WASHINGTON - The Army Corps of Engineers is leaning toward adopting monumental changes in the Missouri River's flow to rescue endangered species, corps officials say.

In an announcement next month that is sure to rile Missouri political leaders, the corps is preparing to recommend raising the river's flow during the spring and then sharply lowering the water volume in summer.

The changes are designed to mimic the river's natural flow before it was altered for barge traffic, and in so doing restore backwaters and sandbars that wildlife needs to thrive. The corps' position suggests that it wants to proceed with the plan despite efforts last week by U.S. Sen. Christopher "Kit" Bond, R-Mo., to steer the Corps of Engineers toward other options.

The corps says it would begin its revised dam operations with the smallest possible flow changes, which are being pushed by the U.S. Fish and Wildlife Service in a proceeding under the Endangered Species Act.

Corps officials say they would monitor the water fluctuations before considering whether to move ahead with a larger ebb-and-flow design.

In addition, the control room at Gavins Point Dam in South Dakota -- the last dam on the river -- would release no extra water in rainy years, said Paul Johnston, an official in the corps' Northwest Division who outlined the plan.

"We want to minimize the risk of flooding," he said.

The effect would mean that the lower stretch of the river running through Missouri would rise anywhere from one to three feet on an average of every third year. The lower flows would occur every summer, if the corps follows through with the plan.

The Corps of Engineers' pending announcement, called its "preferred alternative," is a critical step in a process that has been under way for more than a decade as the corps revises its 50-year-old operating manual for the Missouri River.

Johnston said that the corps could still change its mind. But time is running out. In order to make an Aug. 31 deadline, thousands of pages of

documents assessing the impact of the changes must be shipped to the printer next week. Unless the August deadline is met, the corps would open itself to lawsuits under the Endangered Species Act.

The public still will have until early next year to comment before the corps locks in its decision. The flow changes would commence in 2003.

The plan evolves from the plight of wildlife along the Missouri, namely the pallid sturgeon and two rare birds, the least tern and piping plover. The sturgeon and the tern are classified by the government as endangered; the piping plover is in the less critical category of "threatened."

While those species are clearly in trouble, biologists insist that many more are in jeopardy because deepening and channelizing the river for navigation has destroyed backwaters and other habitat.

Missouri's steadfast opposition to the plan has provoked a political battle in Washington. Missouri leaders don't object to saving wildlife. Their principal worry is the long-term loss of water, an increasingly precious commodity. About 40 percent of Missourians take their drinking water from the Missouri River.

Missouri's fears of losing water as well as potential flooding in springtime have generated a last-ditch drive to torpedo the flow-change plan, including appeals to the White House.

Last week, Bond engineered an amendment to next year's energy and water bill intended to give the corps options beyond those recommended by the Fish and Wildlife Service.

The amendment also directed the corps to ensure that barge navigation and other congressionally ordered uses of the river remain uninterrupted.

Corps of Engineers officials said they did not see any immediate impact from the amendment. "It seemingly doesn't break a lot of new ground. These are things we've been doing for a long time and will continue to do in this process," a corps official said.

Bond had no comment on the corps' pending flow-change plan.

Barge industry representatives were not pleased. Chris Brescia, president of the MARC 2000 industry association in St. Louis, said that the low flows in the pending plan would be insufficient over time for the barge industry to continue hauling on the river.

"My reaction is that the corps should step back and take a look at what

they're doing in light of recent congressional action," he said, referring to the amendment adopted last week.

Speaking for environmental advocates, Chad Smith, a Midwest representative of a group called American Rivers, said it looked like the corps was poised to act responsibly as part of a long and grinding process.

"It's like in a football game when every play is three yards and a cloud of dust. Eventually, you get into the end zone," he said.

Mike Olson, a Fish and Wildlife Service official who has negotiated with the corps, said that the two agencies have reached agreement that flow changes were necessary. Olson asserted that it is in the interest of critics that differences be worked out before the issue reaches the courts.

"We've tried to be creative and flexible in interpreting these laws," he said, referring to the Endangered Species Act. "But when these things go to court, a lot of flexibility is thrown out the window and creative ideas don't always fly."

Ron Kucera, a top Missouri Department of Natural Resources official, said the flow changes would threaten Missouri without delivering promised benefits. He said the "dirty secret" of the summer drawdown is the inherent ability of upstream states to fill their reservoirs with millions of gallons of extra water.

Kucera called the flow-change plan "highly questionable."

"It would be harmful to Missouri's future as far as our water supplies and our ability to control them," he said.

Leading up to the corps' decision, Missouri has suffered setbacks in its crusade, including a split in its ranks on the validity of the science underlying flow changes. In May, the Missouri River Natural Resources Committee - made up of wildlife experts from the Missouri Department of Conservation and counterparts in six other states bordering the Missouri River - endorsed the flow changes in a letter to U.S. Interior Secretary Gale Norton.

"We support the science behind the recommendations as biologically sound," John Smith, deputy director of the Missouri Department of Conservation, said of the letter. He declined to address his agency's differences with the state's Natural Resources department.

While pressing its case, Missouri lost two lawsuits in federal courts last month, one of them involving its quest for records from the Missouri River

Natural Resources Committee. U.S. District Judge Nannette K. Laughrey ruled in Kansas City that the documents Missouri wanted were not covered under the Freedom of Information Act. The judge also denied Missouri's request for discovery powers, calling it a fishing expedition.

The judge dismissed another case brought by the state of Missouri attempting to slow down the Fish and Wildlife Service by demanding that the government designate critical habitat for two endangered species.

Missouri officials say they are considering appeals.

In a report eight months ago, the Fish and Wildlife agency recommended to the corps that the river's average flow of 32,000 cubic feet per second be increased by 17,500 cubic feet per second - the midpoint in an acceptable range of 15,000-20,000. The plan the corps is leaning toward would begin at 15,000 and then gradually increase the volume.

In low-flow periods, the flow would be scaled back initially to 25,000.

Environmentalists point out that a lower flow in summer also means a slower flow, a benefit not just to wildlife but to canoeists and others in search of recreation.

"Right now, you've got a river that is too fast and too deep and too dangerous unless you're in a big powerboat," said American Rivers' Chad Smith.